

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE  
NO. 02-466, JUDGE JOHN RENKE, III

SC03-1846

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**MOTION TO TRANSFER VENUE OF THE**  
**JUDICIAL QUALIFICATIONS COMMISSION**  
**ORDER TO SHOW CAUSE HEARING**

COMES NOW, the Honorable John Renke, III, by and through his undersigned counsel, and files this his Motion to Change the Venue of the Order to Show Cause Hearing from Orange County to Pasco County, Florida and states in support the following information:

1. The judge is serving on the circuit court bench in New Port Richey, in Pasco County, Florida. Pursuant to Florida Judicial Qualifications Commission Rule 11, the final hearing will be conducted in Pasco County.
2. On February 23, 2005, the Florida Judicial Qualifications Commission issued an Order to Show Cause compelling the judge to attend a hearing before the Investigative Panel on April 8, 2005 in Orlando, Florida and to show cause why he should not be suspended pending the final hearing.

3. Suspending a judge prior to a final determination by the hearing panel is “one of the strongest measures the Court may take to protect the integrity of the judiciary from judges who demonstrate a present unfitness to hold office.” In re Inquiry Concerning a Judge (Shenberg), 632 So. 2d 42, 45 (Fla. 1992). Thus, the issue to be presented at the Order to Show Cause hearing is whether the judge is presently unfit to hold office requiring suspension with or without compensation before the Hearing Panel issues its findings and recommendation to the Florida Supreme Court.

4. In order to adequately demonstrate that he is presently fit to hold office, the judge intends to call witnesses from the local Pasco County legal community who can attest to his judicial abilities and demeanor.

5. The witness testimony is critical to a fair and accurate determination as to whether the judge possesses the requisite fitness to remain in judicial service to the community.

6. Holding the Order to Show Cause hearing in Orlando, Florida creates a substantial inconvenience for the witnesses within the judge’s Pasco County judicial community and thus impairs the judge’s ability to call witnesses on his own behalf.

7. Although the Judicial Qualifications Commission Rules do not provide for venue changes, Florida Statutes pertaining to civil practice and procedure address transfer of venue. See Fla. Jud. Qual. Comm'n R. 12 (stating that the Florida Rules of Civil Procedure are "applicable except where inappropriate or otherwise provided by these rules.)

8. Florida Statutes, section 47.122, states that "[f]or the convenience of the parties or witnesses or in the interest of justice, any court of record may transfer any civil action to any other court of record in which it might have been brought."

9. In this case, transferring the Order to Show Cause hearing to the judicial district in which the judge sits will greatly diminish inconvenience to witnesses in the judge's local legal community. Testimony of witnesses from the local community is necessary and essential to the proper evaluation of the judge's present fitness. The interest of justice will be served by the Investigative Panel's full and balanced consideration of all the facts, including evidence offered by the judge.

WHEREFORE and by reason of the foregoing, the judge respectfully requests the Investigative Panel to transfer the hearing on the Order to Show

Cause to Pasco County for the convenience of the critical witnesses and in the interest of justice.

Respectfully submitted,

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SCOTT K. TOZIAN, ESQUIRE  
Florida Bar Number 253510  
GWENDOLYN H. HINKLE, ESQUIRE  
Florida Bar Number 83062  
109 North Brush Street, Suite 200  
Tampa, Florida 33602  
813-273-0063  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11<sup>th</sup> day of March, 2005, the original of the foregoing Motion for More Definite Statement has been furnished by Federal Express overnight delivery to:

Honorable Thomas D. Hall  
Clerk, Supreme Court of Florida  
500 South Duval Street  
Tallahassee, Florida 32399-1927

with copies by U. S. Mail to:

Ms. Brooke S. Kennerly  
Executive Director  
Florida Judicial Qualifications Commission  
1110 Thomasville Road  
Tallahassee, Florida 32303

John R. Beranek, Esquire  
Counsel to the Hearing Panel  
P.O. Box 391  
Tallahassee Florida 32302

Marvin E. Barkin, Esquire  
Michael K. Green, Esquire  
Special Counsel  
2700 Bank of America Plaza  
101 East Kennedy Boulevard  
P. O. Box 1102  
Tampa, Florida 33601-1102

and

Thomas C. MacDonald, Jr., Esquire  
General Counsel  
Florida Judicial Qualifications Commission  
1904 Holly Lane  
Tampa, Florida 33629

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SCOTT K. TOZIAN, ESQUIRE